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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 JOSEPH ANTHONY QUINTANA,

9 Petitioner,

Case No. C17-0915-TSZ

10 v.

11 STATE OF WASHINGTON,

12 Respondent.

ORDER TRANSFERRING CASE TO  
NINTH CIRCUIT

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14 The Court, having reviewed the Report and Recommendation, docket no. 7, of the  
15 Honorable Mary Alice Theiler, United States Magistrate Judge, and petitioner's objections  
16 thereto, docket no. 8, hereby ORDERS:

17 (1) The Report and Recommendation is APPROVED and ADOPTED;

18 (2) Petitioner's federal habeas petition is TRANSFERRED to the United States Court  
19 of Appeals for the Ninth Circuit as a second or successive petition. Petitioner is advised that this  
20 transfer does not of itself constitute compliance with 28 U.S.C. § 2244(b)(3) and Ninth Circuit  
21 Rule 22-3. Petitioner must still file a motion for leave to proceed in the Court of Appeals and  
22 make the showing required by § 2244(b)(2);

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ORDER TRANSFERRING CASE  
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(3) Petitioner's application to proceed with this action *in forma pauperis*, docket no. 5 is STRICKEN as moot;

(4) The Clerk is directed to administratively close this case and to transfer all original documents to the Ninth Circuit. The Clerk shall, however, retain a copy of the petition and of this Order in the file. The Clerk is further directed to send a copy of this Order to petitioner pro se and to the Honorable Mary Alice Theiler.

DATED this 25th day of August, 2017.

Thomas S Zeller

Thomas S. Zilly  
United States District Judge